

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GILBERT WOLRICH,
MARK B. ROSEBLUTH,
and DEBRA BERNSTEIN

Application No. 10/039,289



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 9, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

Information Disclosure Statements (IDSs) were filed on June 30, 2004 and January 23, 2006. A review of the Image File Wrapper reveals that the Examiner has not considered these IDSs. MPEP § 609 which states:

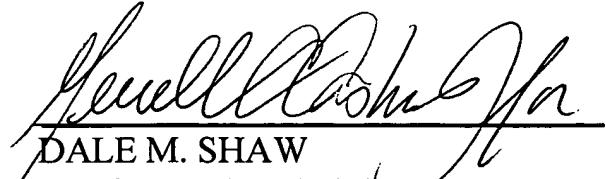
“.... The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the IDSs filed on June 30, 2004 and January 23, 2006, written notification to the appellants of such consideration and for further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE M. SHAW
Chief Appeals Administrator
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DMS/dal

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